

Dkt. 30436.11US06/SBA

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goigaIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.  
Serial No. : 09/666,267 Examiner: P. Gambel  
Filed : September 21, 2000 Group Art Unit: 1644  
For : LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS

55 S. Lake Avenue, Suite 710  
Pasadena, California 91101  
September 23, 2002

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

SIR:

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TO CHECK

PETITION UNDER 37 C.F.R. §1.182

Pursuant to M.P.E.P. §608.02(i), Applicants are hereby petitioning under 37 C.F.R. §1.182 to transfer the Formal Figures of "prior pending application" U.S. Serial No. 08/219,518 filed March 29, 1994 or U.S. Serial No. 08/219,116 filed March 29, 1994 for use in the subject application. This petition is being submitted in response to the Office Action dated April 22, 2002. No fee is deemed necessary in connection with this petition.

In the April 22, 2002 Office Action (Paper No. 8), the Examiner requested the submission of Formal Figures. The subject application is a divisional of an application containing the same figures and for which formal figures have already been filed. In fact,

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the same set of formal figures has been submitted in connection with several related applications<sup>1</sup>.

Pursuant to M.P.E.P. §608.02(i) Applicant may request the transfer for formal figures from a prior pending application upon the submission of a petition under 37 C.F.R. §1.182 demonstrating hardship. Below Applicants set forth the basis of their hardship:

1. The figures of the subject application correspond to figures previously filed in several other prior pending applications. (See U.S. Serial No. 08/219,518, filed March 29, 1994, now U.S. Patent No. 5,580,756 and U.S. Serial No. 08/219,116 filed March 29, 1994, now U.S. Patent No. 5,521,288).
2. To recreate another set of the same formal figures will be excessively timely and costly to Applicants. Because of the excessive and redundant cost to Applicants, Applicants will incur hardship in creating an additional set of formal figures which already exist in prior pending applications U.S. Serial No. 08/219,518 filed March 29, 1994, now U.S. Patent No. 5,580,756 and U.S. Serial No. 08/219,116 filed March 29, 1994, now U.S. Patent No. 5,521,288.

Accordingly, Applicants respectfully request that this petition be granted and that the formal figures of prior pending application U.S. Serial No. 08/219,518 filed March 29, 1994 and U.S. Serial No. 08/219,116 filed March 29, 1994, be transferred for use in connection with this application.

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<sup>1</sup> See U.S.S.N. U.S. Serial No. 08/219,518 filed March 29, 1994 and U.S. Serial No. 08/219,116 filed March 29, 1994.

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No fee is deemed necessary in connection with the filing of this petition. However, if a fee is deemed necessary, Applicants authorize the Patent Office to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,

Date: 9/23/02

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HED

DKT. 30436.11US06/SBA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants :** Peter S. Linsley et al.  
**Serial No :** 09/666,267  
**Filed :** September 21, 2000  
**For :** LIGAND FOR CD28 RECEPTOR ON B CELLS AND  
METHODS

55 S. Lake Avenue, Suite 710  
Pasadena, California 91101  
December 12, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box Petitions

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**COMMUNICATION IN RESPONSE TO MARCH 4, 2003  
TELEPHONE CONFERENCE WITH EXAMINER CHARLES S. BRANTLEY  
CONCERNING DECISION ON PETITION UNDER 37 C.F.R. §1.182**

This Communication is being submitted in response to the Decision dated January 13, 2003 and the telephone conference between Examiner Brantley and Applicants' patent representative, Sarah B. Adriano, on March 4, 2003. In the March 4, 2003 telephonic conference, the Examiner noted that the abandonment of the subject application was in error and requested a copy of the Applicants' response to the April 22, 2002 Office Action that was submitted on September 23, 2002.

There is no due date for the submission of this Communication. Accordingly, this Communication is being timely filed.

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Applicants provide by facsimile, a copy of the Amendment in Response to the April 22, 2002 Office Action and a Declaration from Renato Marco P. Domingo verifying the timely submission of the September 23, 2002 Amendment and Petition Under 37 C.F.R. §1.182 (attached herewith as Exhibits A and B).

No fee is due in connection with this Communication. However, if a fee is deemed necessary, Applicants hereby authorize the Patent Office to charge the fee to the Deposit Account No. 50-0306.

Respectfully submitted,



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# EXHIBIT A

U.S. Serial No. 09/666,267  
Copy of the Amendment  
in Response to the April  
22, 2002 Office Action and  
Petition for Two-Month  
Extension of Time

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicants: Peter S. Linsley et al.

Serial No: 09/656,267

Filed: September 21, 2000

Title: LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS

Docket: 30436.11US06

Date of Deposit: September 23, 2002

Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8,  
Amendment in Response to the April 22, 2002 Office Action and Petition for Two-Month Extension of  
Time

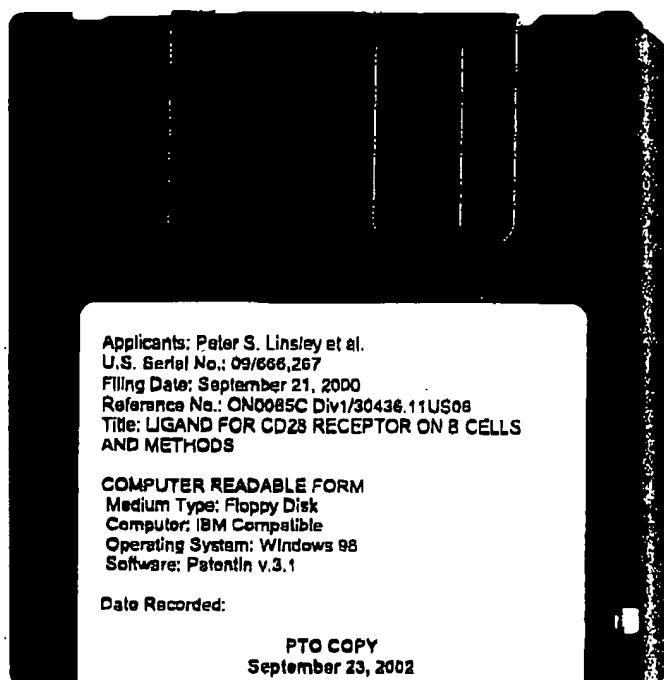
Exhibits 1 - 6

A check in the amount of \$390.00 to cover the filing fee

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